

EXHIBIT 12

10 Deaths, Exhausted Guards, Rampant Violence: Why Rikers Is in Crisis

A number of recent deaths have prompted questions about the notorious New York City jail complex. Here are some answers.

By Jonah E. Bromwich and Jan Ransom

Published Sept. 15, 2021 Updated Nov. 8, 2021

New York City's notorious Rikers Island jail complex has long had a reputation for brutal conditions, but in recent months the situation inside has spun out of control.

Ten people incarcerated at Rikers have died this year, at least five by suicide — the largest death toll at the jail in years. Gangs and other detainees are ushering other incarcerated people to and from their dorms. Relatives of those imprisoned there fear for their loved ones' lives.

"My kid gets to go to court," said Penny Wilkinson, the mother of Nicholas Caballero, 25, who is being held on the island as he awaits trial on assault and grand larceny charges. "I don't want to see my child die in jail."

The vast majority of people being held on Rikers have not been tried and are presumed innocent.

Here are answers to some of the questions about what is driving the problems at the facility:

When did the crisis start?

Rikers has long been characterized by dysfunction and violence, from its opening in 1935 to the culture of brutality and corruption that led to a sweeping federal investigation into the facility a decade ago.

But the contours of today's crisis were shaped by the coronavirus, which has infected more than 2,200 employees of the Department of Correction so far, leading to widespread staffing shortages.

"It started during Covid and it's just spiraled out of control," said Alice Fontier, the managing director at the Neighborhood Defender Service of Harlem, of the staffing problems.

With such an enormous number of staff members out sick, the conditions at Rikers degraded. That caused a snowball effect as additional correction officers — who are granted unlimited sick time that was only recently subject to significant restraints — started to call in sick in unusually high numbers, or simply stopped showing up.

About a year after the pandemic began, a federal monitor noted, an "extraordinarily large number of staff were not reporting to work." At the same time, the population of detainees at Rikers was growing.

More than 1,500 people had been released to help curb the spread of the coronavirus, but the jail population eventually surpassed prepandemic levels — and the rate of self-harm among those incarcerated there began to rise sharply.

By last month, the monitor found, staff shortages had compromised the safety of everyone on the island.

How could understaffing alone have made things so much worse?

Jail officials have reported that on average, 2,000 officers were out sick or unable to work on a single day at certain points this summer. It is unclear how many were actually ill; until last month, corrections officers merely had to supply a doctor's note within two days of calling out sick.

The commissioner of the Department of Correction, Vincent Schiraldi, said at a hearing Wednesday that he suspected that some officers were using sick days as "an unlimited vacation pool."

Their unavailability has slowed the basic functions of Rikers to a crawl, starting with the intake process, where people normally spend less than 24 hours receiving clothes, undergoing medical checkups and being assigned to housing units.

In recent months, those hourslong stretches have turned into days and even weeks, with people held in units that do not have beds or enough cells.

Social distancing is all but impossible and incarcerated people are not supplied with masks if they lose theirs or get them dirty, at a time when Covid-19 continues to affect them. Understaffing has led to delays in dispersing food, water and medication. Many people have also experienced delays in receiving urgent medical and mental health care, and getting to court.

According to those who have toured the complex recently, certain areas are covered in garbage and urine, and some people in custody are being held in tiny showers where there is barely enough room to stand.

Who has died at Rikers and how?

The dead include **Wilson Diaz-Guzman**, 30, who hanged himself in his cell in January, and **Javier Velasco**, 30, who was found unresponsive in March with a bedsheet wrapped around his neck. On Aug. 10, **Brandon Rodriguez**, 25, was found hanging in a shower in an intake area at the jail and on Aug. 30, **Segundo Gualpa**, 57, was found dead in what the Department of Correction described as a suspected suicide.

On Wednesday, the city's chief medical examiner said that the death of **Tomas Carlo Camacho**, 48, in March, had also been a suicide. Mr. Camacho was found unresponsive and on his knees with his head through a small opening in the cell door known as a cuffing slot.

At least five more people have died on Rikers Island this year: **Thomas Braunson III**, 35, **Richard Blake**, 45, **Jose Mejia Martinez**, 35, **Robert Jackson**, 42 and, last week, **Esias Johnson**, 24.

Mr. Braunson died of an overdose and Mr. Blake of heart disease, according to the city. The causes of death of Mr. Martinez, Mr. Jackson and Mr. Johnson remain undetermined.

Allen Chey King, 51, who is being held at Rikers, said he found Mr. Johnson unresponsive in a dorm at the jail. Mr. Johnson had begged staff for medical attention in the two days leading up to his death, Mr. King said.

Guards tried to help, Mr. King said, but it seemed the clinic was backed up with patients.

"He said he was in great pain. His stomach was hurting," Mr. King said. "He said he needed to go to clinic."

Who is responsible for the deteriorating conditions?

Rikers is a city jail, but people are sent there because they are charged with having violated state law. That means that any attempt to solve the crisis there must occur at the tricky intersection of state and city politics.

A group of state lawmakers, city officials and public defenders held a news conference at Rikers on Monday, and called for a slate of actions to be taken by Gov. Kathy Hochul, Mayor Bill de Blasio and prosecutors and judges in New York City, who are bound by state law but can use their discretion to affect outcomes for individual defendants.

The lawmakers described having witnessed a humanitarian crisis during their tour of the facility, where they saw dozens of people without masks packed into cells with overflowing toilets, unable to see their lawyers because they have yet to be booked. In certain intake units, people were being held in showers and relieving themselves in plastic bags.

"It's a nightmare back there," said State Senator Jabari Brisport.

What can be done to fix things?

Mr. de Blasio on Tuesday announced a plan designed to improve conditions at Rikers, which included hiring contractors to accelerate repairs and to provide medical care for staff on duty. He also said correction officers who did not show up for work would be suspended without pay.

On Wednesday, 21 officers who were said not to have shown up to work were suspended, according to a union that represents the city's jail officers.

In a statement, the union's head, Benny Boscio Jr., said that the mayor could not discipline his way out of the staffing crisis.

"More heavy-handed suspensions will only ensure officers continue to work triple and quadruple shifts with no meals and no rest," he said.

The mayor also set a goal to speed people through the intake process in 24 hours or less, and announced plans to send some police officers to staff the court buildings, freeing up other correction officers to help at Rikers.

Several of those who visited Rikers this week said that the mayor's plan was inadequate and would do nothing to improve conditions immediately. The jail officers' union, which has urged the city to hire thousands more staff members, called on the mayor to resign.

Lawmakers have asked Mr. de Blasio to use his powers to allow for the early release of certain incarcerated people, as he did last spring. And they asked the mayor to visit Rikers, which he has not done since June 2017.

Mr. de Blasio has been reluctant to permit the early release of more incarcerated people, and he has denied a report that said he was considering the release of some 180 people. New York City's police commissioner has expressed strong opposition to any early release.

Lawmakers also called on Ms. Hochul to sign the Less is More Act, a parole reform bill that would stop people accused of violating parole from being automatically detained in jails, among other things.

On Tuesday, Cyrus R. Vance Jr., the Manhattan district attorney, and Alvin Bragg, his likely successor, also urged Ms. Hochul to sign the bill.

If she were to sign it, and to direct that it be implemented immediately, about 400 people at Rikers would be eligible for release.

Ms. Hochul has said that she is "concerned" about the conditions in city jails and that she would review the bill.

The lawmakers and advocates who visited Rikers on Monday also called for prosecutors and judges to stop sending people there while conditions remain dangerous, in part by ending the use of cash bail.

"Too many prosecutors and district attorneys across New York City are sentencing working-class New Yorkers to the possibility of death," said Assemblyman Zohran Mamdani.